

**FILED**APR 04 2012 *sz*CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

See Part IV and

DEPUTY *Sz***APPENDIX 12  
MAXIMUM PUNISHMENT CHART**

This chart was compiled for convenience purposes only and is not the authority for specific punishment. See Part IV and R.C.M. 1003 for specific limits and additional information concerning maximum punishments.

Article	Offense	Discharge	Confinement	Forfeitures
77	Principals (see Part IV, Para. 1 and pertinent offenses)			
78	Accessory after the fact (see Part IV, Para. 3.e.)			
79	Lesser included offenses (see Part IV, Para. 2 and pertinent offenses)			
80	Attempts (see Part IV, Para. 4.e.)			
81	Conspiracy (see Part IV, Para. 5.e.)			
82	Solicitation			
	If solicited offense committed, or attempted, see Part IV, Para. 6.e.			
	If solicited offense not committed:			
	Solicitation to desert <sup>1</sup> .....	DD, BCD	3 yrs. <sup>1</sup>	Total
	Solicitation to mutiny <sup>1</sup> .....	DD, BCD	10 yrs. <sup>1</sup>	Total
	Solicitation to commit act of misbehavior before enemy <sup>1</sup> .....	DD, BCD	10 yrs. <sup>1</sup>	Total
	Solicitation to commit act of sedition <sup>1</sup> .....	DD, BCD	10 yrs. <sup>1</sup>	Total
83	Fraudulent enlistment, appointment .....	DD, BCD	2 yrs.	Total
	Fraudulent separation .....	DD, BCD	5 yrs.	Total
84	Effecting unlawful enlistment, appointment, separation .....	DD, BCD	5 yrs.	Total
85	Desertion			
	In time of war .....	Death, DD, BCD	Life <sup>4</sup>	Total
	Intent to avoid hazardous duty, shirk important service <sup>1</sup> .....	DD, BCD	5 yrs. <sup>1</sup>	Total
	Other cases			
	Terminated by apprehension .....	DD, BCD	3 yrs. <sup>1</sup>	Total
	Otherwise terminated .....	DD, BCD	2 yrs. <sup>1</sup>	Total
86	Absence without leave, etc.			
	Failure to go, going from place of duty .....	None	1 mo.	2/3 1 mo.
	Absence from unit, organization, etc.			
	Not more than 3 days .....	None	1 mo.	2/3 1 mo.
	More than 3, not more than 30 days .....	None	6 mos.	2/3 6 mos.
	More than 30 days .....	DD, BCD	1 yr.	Total
	More than 30 days and terminated by apprehension .....	DD, BCD	1 yr., 6 mos.	Total
	Absence from guard or watch .....	None	3 mos.	2/3 3 mos.
	Absence from guard or watch with intent to abandon .....	BCD	6 mos.	Total
	Absence with intent to avoid maneuvers, field exercises .....	BCD	6 mos.	Total
87	Missing movement			
	Through design .....	DD, BCD	2 yrs.	Total
	Through neglect .....	BCD	1 yr.	Total
88	Contempt toward officials .....	Dismissal	1 yr.	Total
89	Disrespect toward superior commissioned officer .....	BCD	1 yr.	Total
90	Assaulting, willfully disobeying superior commissioned officer			
	In time of war .....	Death, DD, BCD	Life <sup>4</sup>	Total
	Striking, drawing or lifting up any weapon or offering any violence toward superior commissioned officer execution of duty <sup>1</sup> .....	DD, BCD	10 yrs. <sup>1</sup>	Total
	Willfully disobeying lawful order of superior commissioned officer <sup>1</sup> .....	DD, BCD	5 yrs. <sup>1</sup>	Total
91	Insubordinate conduct toward warrant, noncommissioned, petty officer			
	Striking or assaulting:			
	Warrant officer .....	DD, BCD	5 yrs.	Total
	Superior noncommissioned officer .....	DD, BCD	3 yrs.	Total
	Other noncommissioned or petty officer .....	DD, BCD	1 yr.	Total
	Willfully disobeying:			
	Warrant officer .....	DD, BCD	2 yrs.	Total
	Noncommissioned or petty officer .....	BCD	1 yr.	Total
	Contempt, disrespect toward:			
	Warrant Officer .....	BCD	9 mos.	Total
	Superior noncommissioned or petty officer .....	BCD	6 mos.	Total
	Other noncommissioned or petty officer .....	None	3 mos.	2/3 3 mos.

## App. 12, Art. 92

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Article	Offense	Discharge	Confinement	Forfeitures
92	Failure to obey order, regulation			
	Violation, failure to obey general order or regulation <sup>2</sup> .....	DD, BCD	2 yrs.	Total
	Violation, failure to obey other order <sup>2</sup> .....	BCD	6 mos.	Total
	Derelection in performance of duties			
	Through neglect, culpable inefficiency .....	None	3 mos.	2/3 3 mos.
	Willful .....	BCD	6 mos.	Total
93	Cruelty, maltreatment of subordinates .....	DD, BCD	1 yr.	Total
94	Mutiny & sedition .....	Death, DD, BCD	Life <sup>4</sup>	Total
95	Resisting apprehension, flight, breach of arrest, escape			
	Resisting apprehension .....	BCD	1 yr.	Total
	Flight from apprehension .....	BCD	1 yr.	Total
	Breaking arrest .....	BCD	6 mos.	Total
	Escape from custody, pretrial confinement, or confinement on bread and water or diminished rations .....	DD, BCD	1 yr.	Total
	Escape from post-trial confinement .....	DD, BCD	5 yrs.	Total
96	Releasing prisoner without proper authority .....	DD, BCD	2 yrs.	Total
	Suffering prisoner to escape through neglect .....	BCD	1 yr.	Total
	Suffering prisoner to escape through design .....	DD, BCD	2 yrs.	Total
97	Unlawful detention .....	DD, BCD	3 yrs.	Total
98	Noncompliance with procedural rules, etc.			
	Unnecessary delay in disposition of case .....	BCD	6 mos.	Total
	Knowingly, intentionally failing to comply, enforce code .....	DD, BCD	5 yrs.	Total
99	Misbehavior before enemy .....	Death, DD, BCD	Life <sup>4</sup>	Total
100	Subordinate compelling surrender .....	Death, DD, BCD	Life <sup>4</sup>	Total
101	Improper use of countersign .....	Death, DD, BCD	Life <sup>4</sup>	Total
102	Forcing safeguard .....	Death, DD, BCD	Life <sup>4</sup>	Total
103	Captured, abandoned property; failure to secure, etc.			
	Of value of \$500.00 or less .....	BCD	6 mos.	Total
	Of value of more than \$500.00 .....	DD, BCD	5 yrs.	Total
	Any firearm or explosive .....	DD, BCD	5 yrs.	Total
	Looting, pillaging .....	DD, BCD	Life <sup>4</sup>	Total
104	Aiding the enemy .....	Death, DD, BCD	Life <sup>4</sup>	Total
105	Misconduct as prisoner .....	DD, BCD	Life <sup>4</sup>	Total
106	Spying .....	Mandatory Death, DD, BCD	Not applicable	Total
106a	Espionage			
	Cases listed in Art. 106a(a)(1)(A)-(D) .....	Death, DD, BCD	Life <sup>4</sup>	Total
	Other cases .....	DD, BCD	Life <sup>4</sup>	Total
107	False official statements .....	DD, BCD	5 yrs.	Total
108	Military property; loss, damage, destruction, disposition			
	Selling, otherwise disposing			
	Of value of \$500.00 or less .....	BCD	1 yr.	Total
	Of value of more than \$500.00 .....	DD, BCD	10 yrs.	Total
	Any firearm, explosive or incendiary device	DD, BCD	10 yrs.	Total
	Damaging, destroying, losing or suffering to be lost, damaged, destroyed, sold, or wrongfully disposed:			
	Through neglect, of a value of:			
	\$500.00 or less .....	None	6 mos.	2/3 6 mos.
	More than \$500.00 .....	BCD	1 yr.	Total
	Willfully, of a value of:			
	\$500.00 or less .....	BCD	1 yr.	Total
	More than \$500.00 .....	DD, BCD	10 yrs.	Total
	Any firearm, explosive, or incendiary device	DD, BCD	10 yrs.	Total

## App. 12, Art. 120

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Article	Offense	Discharge	Confinement	Forfeitures
109	Property other than military property of U.S.: loss, damage, destruction, disposition: Wasting, spoiling, destroying, or damaging property of a value of: \$500.00 or less ..... More than \$500.00 .....	BCD DD, BCD	1 yr. 5 yrs.	Total Total
110	Hazarding a vessel Willfully and wrongfully ..... Negligently .....	Death, DD, BCD DD, BCD	Life <sup>4</sup> 2 yrs.	Total Total
111	Drunken driving Resulting in personal injury ..... Other cases .....	DD, BCD BCD	1 yr., 6 mos. 6 mos.	Total Total
112	Drunk on duty .....	BCD	9 mos.	Total
112a	Wrongful use, possession, etc. of controlled substances <sup>3</sup> Wrongful use, possession, manufacture, or introduction of: Amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana (except possession of less than 30 grams or use), methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances ..... Marijuana (possession of less than 30 grams or use), phenobarbital, and Schedule IV and V controlled substances ..... Wrongful distribution of, or, with intent to distribute, wrongful possession, manufacture, introduction, or wrongful importation of or exportation of: Amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances ..... Phenobarbital and Schedule IV and V controlled substances .....	DD, BCD DD, BCD DD, BCD DD, BCD	5 yrs. 2 yrs. 15 yrs. 10 yrs.	Total Total Total Total
113	Misbehavior of sentinel or lookout In time of war ..... In other time: While receiving special pay under 37 U.S.C. 310 ..... Other places .....	Death, DD, BCD DD, BCD DD, BCD	Life <sup>4</sup> 10 yrs. 1 yr.	Total Total Total
114	Duelling .....	DD, BCD	1 yr.	Total
115	Malingering Feigning illness, etc. In time of war, or while receiving special pay under 37 U.S.C. 310 ..... Other ..... Intentional self-inflicted injury In time of war, or while receiving special pay under 37 U.S.C. 310 ..... Other .....	DD, BCD DD, BCD DD, BCD DD, BCD	3 yrs. 1 yr. 10 yrs. 5 yrs.	Total Total Total Total
116	Riot ..... Breach of peace .....	DD, BCD None	10 yrs. 6 mos.	Total 2/3 6 mos.
117	Provoking speech, gestures .....	None	6 mos.	2/3 6 mos.
118	Murder Article 118(1) or (4) ..... Article 118(2) or (3) .....	Death, mandatory minimum life with parole, DD, BCD DD, BCD	Life <sup>4</sup> Life <sup>4</sup>	Total Total
119	Manslaughter Voluntary ..... Involuntary .....	DD, BCD DD, BCD	15 yrs. 10 yrs.	Total Total
119a	Death or injury to an Unborn Child (see Part IV, Para. 44a.(a)(1))			
120	Rape and Rape of a Child ..... Aggravated Sexual Assault ..... Aggravated Sexual Assault of a Child ..... Aggravated Sexual Abuse of a Child ..... Aggravated Sexual Contact ..... Aggravated Sexual Contact with a Child ..... Abusive Sexual Contact with a Child .....	Death, DD, BCD DD, BCD DD, BCD DD, BCD DD, BCD DD, BCD DD, BCD	Life 30 yrs 20 yrs 20 yrs 20 yrs 20 yrs 15 yrs	Total Total Total Total Total Total Total

## App. 12, Art. 120

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Article	Offense	Discharge	Confinement	Forfeitures
	Indecent Liberty with a Child	DD, BCD	15 yrs	Total
	Abusive Sexual Contact	DD, BCD	7 yrs	Total
	Indecent Act	DD, BCD	5 yrs	Total
	Forcible Pandering	DD, BCD	5 yrs	Total
	Wrongful Sexual Contact	DD, BCD	1 yr	Total
	Indecent Exposure	DD, BCD	1 yr	Total
120a	Stalking	DD, BCD	3 yrs	Total
121	Larceny			
	Of military property of a value of \$500.00 or less	BCD	1 yr.	Total
	Of property other than military property of a value of \$500.00 or less	BCD	6 mos.	Total
	Of military property of a value of more than \$500.00 or of any military motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	10 yrs.	Total
	Of property other than military property of a value of more than \$500.00 or any motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	5 yrs.	Total
	Wrongful appropriation			
	Of value of \$500.00 or less	None	3 mos.	2/3 3 mos.
	Of value of more than \$500.00	BCD	6 mos.	Total
	Of any motor vehicle, aircraft, vessel, firearm, or explosive	DD, BCD	2 yrs.	Total
122	Robbery			
	Committed with a firearm	DD, BCD	15 yrs.	Total
	Other cases	DD, BCD	10 yrs.	Total
123	Forgery	DD, BCD	5 yrs.	Total
123a	Checks, etc., insufficient funds, intent to deceive			
	To procure anything of value of:			
	\$500.00 or less	BCD	6 mos.	Total
	More than \$500.00	DD, BCD	5 yrs.	Total
	For payment of past due obligation, and other cases	BCD	6 mos.	Total
124	Maiming	DD, BCD	20 yrs	Total
125	Sodomy			
	By force and without consent	DD, BCD	Life <sup>4</sup>	Total
	With child under age of 16 years and at least 12	DD, BCD	20 yrs.	Total
	With child under the age of 12	DD, BCD	Life <sup>4</sup>	Total
	Other cases	DD, BCD	5 yrs.	Total
126	Arson			
	Aggravated	DD, BCD	20 yrs.	Total
	Other cases, where property value is:			
	\$500.00 or less	DD, BCD	1 yr.	Total
	More than \$500.00	DD, BCD	5 yrs.	Total
127	Extortion	DD, BCD	3 yrs.	Total
128	Assaults			
	Simple Assault:			
	Generally	None	3 mos.	2/3 3 mos.
	With an unloaded firearm	DD, BCD	3 yrs.	Total
	Assault consummated by battery	BCD	6 mos.	Total
	Assault upon commissioned officer of U.S. or friendly power not in execution of office	DD, BCD	3 yrs.	Total
	Assault upon warrant officer, not in execution of office	DD, BCD	1 yr., 6 mos.	Total
	Assault upon noncommissioned or petty officer not in execution of office	BCD	6 mos.	Total
	Assault upon, in execution of office, person serving as sentinel, lookout, security policeman, military policeman, shore patrol, master at arms, or civil law enforcement	DD, BCD	3 yrs.	Total
	Assault consummated by battery upon child under age of 16 years	DD, BCD	2 yrs.	Total
	Assault with dangerous weapon or means likely to produce grievous bodily harm or death:			
	Committed with loaded firearm	DD, BCD	8 yrs.	Total
	Other cases	DD, BCD	3 yrs.	Total
	Assault in which grievous bodily harm is intentionally inflicted:			

## App. 12, Art. 134

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Article	Offense	Discharge	Confinement	Forfeitures
	With a loaded firearm	DD, BCD	10 yrs.	Total
	Other cases	DD, BCD	5 yrs.	Total
	Aggravated assault with a dangerous weapon or other means of force to produce death or grievous bodily harm when committed upon a child under the age of 16 years	DD, BCD	5 yrs	Total
	Aggravated assault in which grievous bodily harm is intentionally inflicted when committed upon a child under the age of 16 years	DD, BCD	8 yrs	Total
129	Burglary	DD, BCD	10 yrs.	Total
130	Housebreaking	DD, BCD	5 yrs.	Total
131	Perjury	DD, BCD	5 yrs.	Total
132	Frauds against the United States			
	Offenses under article 132(1) or (2)	DD, BCD	5 yrs.	Total
	Offenses under article 132(3) or (4)			
	\$500.00 or less	BCD	6 mos.	Total
	More than \$500.00	DD, BCD	5 yrs.	Total
133	Conduct unbecoming officer ( <i>see</i> Part IV, para. 59e)	Dismissal	1 yr. or as prescribed	Total
134	Abusing public animal	None	3 mos.	2/3 3 mos.
	Adultery	DD, BCD	1 yr.	Total
	Assault			
	With intent to commit murder or rape	DD, BCD	20 yrs.	Total
	With intent to commit voluntary manslaughter, robbery, sodomy, arson, or burglary	DD, BCD	10 yrs.	Total
	With intent to commit housebreaking	DD, BCD	5 yrs.	Total
	Bigamy	DD, BCD	2 yrs.	Total
	Bribery	DD, BCD	5 yrs.	Total
	Graft	DD, BCD	3 yrs.	Total
	Burning with intent to defraud	DD, BCD	10 yrs.	Total
	Check, worthless, making and uttering—by dishonorably failing to maintain funds	BCD	6 mos.	Total
	Child Endangerment:			
	Endangerment by design resulting in grievous bodily harm	DD, BCD	8 yrs	Total
	Endangerment by design resulting in harm	DD, BCD	5 yrs	Total
	Other cases by design	DD, BCD	4 yrs	Total
	Endangerment by culpable negligence resulting in grievous bodily harm	DD, BCD	3 yrs	Total
	Endangerment by culpable negligence resulting in harm	BCD	2 yrs	Total
	Other cases by culpable negligence	BCD	1 yr	Total
	Cohabitation, wrongful	None	4 mos.	2/3 4 mos.
	Correctional custody, escape from	DD, BCD	1 yr.	Total
	Correctional custody, breach of	BCD	6 mos.	Total
	Debt, dishonorably failing to pay	BCD	6 mos.	Total
	Disloyal statements	DD, BCD	3 yrs.	Total
	Disorderly conduct			
	Under such circumstances as to bring discredit	None	4 mos.	2/3 4 mos.
	Other cases	None	1 mo.	2/3 1 mo.
	Drunkenness			
	Aboard ship or under such circumstances as to bring discredit	None	3 mos.	2/3 3 mos.
	Other cases	None	1 mo.	2/3 1 mo.
	Drunk and disorderly			
	Aboard ship	BCD	6 mos.	Total
	Under such circumstances as to bring discredit	None	6 mos.	2/3 6 mos.
	Other cases	None	3 mos.	2/3 3 mos.
	Drinking liquor with prisoner	None	3 mos.	2/3 3 mos.
	Drunk prisoner	None	3 mos.	2/3 3 mos.
	Drunkenness—incapacitating oneself for performance of duties through prior indulgence in intoxicating liquor or drugs	None	3 mos.	2/3 3 mos.
	Endangerment, reckless	BCD	1 yr.	Total
	False or unauthorized pass offenses			

## App. 12, Art. 134

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Article	Offense	Discharge	Confinement	Forfeitures
	Possessing or using with intent to defraud or deceive, or making, altering, counterfeiting, tampering with, or selling .....	DD, BCD	3 yrs.	Total
	All other cases .....	BCD	6 mos.	Total
	False pretenses, obtaining services under			
	Of a value of \$500.00 or less .....	BCD	6 mos.	Total
	Of a value of more than \$500.00 .....	DD, BCD	5 yrs.	Total
	False swearing .....	DD, BCD	3 yrs.	Total
	Firearm, discharging—through negligence .....	None	3 mos.	2/3 3 mos.
	Firearm, discharging—willfully, under such circumstances as to endanger human life .....	DD, BCD	1 yr.	Total
	Fleeing scene of accident .....	BCD	6 mos.	Total
	Fraternalization .....	Dismissal	2 yrs.	Total
	Gambling with subordinates .....	None	3 mos.	2/3 3 mos.
	Homicide, negligent .....	DD, BCD	3 yrs.	Total
	Impersonation			
	With intent to defraud .....	DD, BCD	3 yrs.	Total
	All other cases .....	BCD	6 mos.	Total
	Indecent language			
	Communicated to child under 16 yrs .....	DD, BCD	2 yrs.	Total
	Other cases .....	BCD	6 mos.	Total
	Jumping from vessel into the water .....	BCD	6 mos.	Total
	Kidnapping .....	DD, BCD	Life <sup>4</sup>	Total
	Mail, taking, opening, secreting, destroying, or stealing .....	DD, BCD	5 yrs.	Total
	Mails, depositing or causing to be deposited obscene matters in .....	DD, BCD	5 yrs.	Total
	Misprision of serious offense .....	DD, BCD	3 yrs.	Total
	Obstructing justice .....	DD, BCD	5 yrs.	Total
	Wrongful interference with an adverse administrative proceeding ..	DD, BCD	5 yrs.	Total
	Pandering .....	DD, BCD	5 yrs.	Total
	Prostitution .....	DD, BCD	1 yr.	Total
	Parole, violation of .....	BCD	6 mos.	2/3 6 mos.
	Perjury, subornation of .....	DD, BCD	5 yrs.	Total
	Public record, altering, concealing, removing, mutilating, obliterating, or destroying .....	DD, BCD	3 yrs.	Total
	Quarantine, breaking .....	None	6 mos.	2/3 6 mos.
	Reckless endangerment .....	BCD	1 yr.	Total
	Restriction, breaking .....	None	1 mo.	2/3 1 mo.
	Seizure, destruction, removal, or disposal of property to prevent .....	DD, BCD	1 yr.	Total
	Self-injury without intent to avoid service			
	In time of war, or in a hostile fire pay zone .....	DD	5 yrs.	Total
	Other .....	DD	2 yrs.	Total
	Sentinel, lookout			
	Disrespect to .....	None	3 mos.	2/3 3 mos.
	Loitering or wrongfully sitting on post by			
	In time of war or while receiving special pay .....	DD, BCD	2 yrs.	Total
	Other cases .....	BCD	6 mos.	Total
134	Soliciting another to commit an offense (see Part IV, para. 105e)			
	Of a value of \$500.00 or less .....	BCD	6 mos.	Total
	Of a value of more than \$500.00 .....	DD, BCD	3 yrs.	Total
	Straggling .....	None	3 mos.	2/3 3 mos.
	Testify, wrongfully refusing to .....	DD, BCD	5 yrs.	Total
	Threat, bomb, or hoax .....	DD, BCD	5 yrs.	Total
	Threat, communicating .....	DD, BCD	3 yrs.	Total
	Unlawful entry .....	BCD	6 mos.	Total
	Weapon, concealed, carrying .....	BCD	1 yr.	Total

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<i>Article</i>	<i>Offense</i>	<i>Discharge</i>	<i>Confinement</i>	<i>Forfeitures</i>
		BCD	6 mos.	Total
	Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button .....			

## Notes:

1. Suspended in time of war.
2. See paragraph 16e(1) & (2) Note, Part IV
3. When any offense under paragraph 37, Part IV, is committed: while the accused is on duty as a sentinel or lookout; on board a vessel or aircraft used by or under the control of the armed forces; in or at a missile launch facility used by or under the control of the armed forces; while receiving special pay under 37 U.S.C. sec. 310; in time of war; or in a confinement facility used by or under the control of the armed forces, the maximum period of confinement authorized for such offense shall be increased by 5 years.
4. With or without eligibility for parole.